#### **MINUTES**

# SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST AND MENTAL HEALTH COUNSELOR BOARD

#### **FEBRUARY 26, 2007**

#### I. CALL TO ORDER AND ESTABLISH QUORUM

Kimble Richardson called the meeting to order at 9:07 a.m. in Room W064, 402 West Washington Street, Indianapolis, Indiana and declared a quorum, in accordance with IC § 25-23.6-2.

#### **Members Present:**

Kimble Richardson, M.S. L.M.H.C., L.C.S.W., L.M.F.T., President Andrew Harner, MSW, L.C.S.W. – Kathy Grove, M.A., J.D., L.M.F.T., MFT Section Chair Beth Compton, Consumer Member Ruth Hallett, Consumer Member

#### **Members Absent:**

Rex Stockton, Ed.D, L.M.H.C., L.C.S.W., L.M.F.T., Psychologist, MHC Section, Chair Vacant, Psychiatrist Member Bertha Muenks, MSW, L.C.S.W. –SW Section Chair Geneva Osawe, MSW, L.M.F.T., L.C.S.W., Vice-President

#### **Staff Present:**

Nancy Harvey, Assistant Board Director Donna Sembroski, Legal Counsel, Office of the Attorney General

## II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HALLETT/GROVE Motion carried 5-0-0

# III. APPROVAL OF MINUTES FROM NOVEMBER 20, 2006

A motion was made and seconded to approve the minutes of the November 20, 2006 meeting of the Board, as amended.

COMPTON/HALLETT Motion carried 5-0-0

# IV. ACTION ON OJBECTION TO ALJ ORDER/DELIBERATION AND POSSIBLE ISSUANCE OF FINAL ORDER

# A. State of Indiana v. Priscilla Vorice

Administrative Cause No. 2005 BHSB 0011
Re: Administrative Law Judge Recommended Findings

On January 22, 2007, Kimble Richardson, Andrew Harner, Kathy Grove, and Beth Compton, acting as administrative law judge ("ALJ") held an administrative hearing concerning the Order to Show Cause issued by the Board against the Respondent on October 30, 2006 for failure to comply with the Final Order.

After hearing testimony from the Respondent and Gwendolyn Adell, the ALJ's made the following Ultimate Findings of Fact:

Respondent failed to comply with the terms and conditions of her Indefinite Probation per the Board's January 25, 2006 Final Order as follows:

- Respondent failed to keep the Board apprised of her current place of employment, employment telephone number and name of supervisor,
- b. Respondent failed to keep the Board apprised of her work schedule and the number of hours she works each week.
- c. Respondent failed to submit to the Board within one hundred (100) days of the January 25, 2006 Final Order proof of completion of twenty (20) hours of continuing professional education in the required area of ethics and boundary issues.
- d. Respondent failed to have her supervisor submit to the Board quarterly reports apprising the Board of the Respondent's job performance, attendance, and that the supervisor acknowledges this Final Order from the Board.

The ALJ then recommended that the Respondent's license be suspended indefinitely with no opportunity to petition for reinstatement for a period of one (1) year after meeting the following conditions:

- Submit proof of having completed at least 20 hours of continuing education in the area of ethics and/or legal boundaries as related to the practice of social work with at least 10 hours in the area of professional ethics.
- 2. Submit to the Board a letter from her current employer apprising the Board of her job performance.

The Board reviewed the ALJ Recommendations and responded to the Respondent's objections as follows:

Objection #1 - Ms. Vorice did not notify the Board of her current supervisor.

Objection #2 – The Board noted a typographical error in the original order stating the word "appraised" instead of "apprised" and noted that it did not change the Board's probationary order of being informed of her supervisor which she stated as she did not know who her supervisor was and therefore, the Board did not find Ms. Vorice's supervisor as a credible supervisor.

Objection #3 – After considering testimony from both the respondent and the witness, the Board felt the evidence clearly indicated Ms. Adell, and not the school nurse Ms. Hines, to be the credible supervisor.

Objection #4 - Objection to the final order of January 25, 2006 - This objection was not included in the basis for a decision.

Objection #5 – Objection was not the basis for the decision.

Objection #6 - Amend adoption to recommendations of final order - The Board considered the two cases Ms. Vorice cited as being similar to hers (State of Indiana vs. Larry Todd and State of Indiana vs. Thomas Evans) but found the cases were, in fact, distinguishable based on the facts and circumstances. (7) Objection to final order which was not filed in a timely manner.

**Board Action**: A motion was made and seconded to adopt the Recommended Findings of Fact, Ultimate Findings of Fact and Conclusions of Law and Order with the ALJ as amended by removing reference of paragraph 2(d), Respondent shall, within one hundred (100) days of the Final Order, submit to the Board proof of completion of twenty (20) hours of continuing professional education in the area of ethics and boundary issues.

Strike #10 – Respondent failed to produce evidence prior to or during the January 22, 2007 Order to Show Cause hearing that since her probation began she has kept the Board apprised of her current place of employment, employment telephone number and name of supervisor; that she has kept the Board apprised of her work schedule and the number of hours she works each week; that she submitted to the Board proof of completion of twenty (20) hours of continuing professional education in the required area of ethics and boundary issues; and that she submitted to the Board quarterly reports from her supervisor apprising the Board of the Respondent's job performance, attendance, and that the supervisor acknowledged the January 25, 2006 Final Order from the Board placing the Respondent's license on probation.

Strike #1C – Ultimate Findings of Facts – Respondent failed to submit to the Board within one hundred (100) days of the January 25, 2006 Final Order proof of completion of twenty (20) hours of continuing professional education in the required area of ethics and boundary issues.

Respondent has to have completed after the date of the original probation order of January 27, 2007, Twenty (20) hours of completion of continuing professional education in ethics and boundary issues.

Prior to petitioning for reinstatement, she must have completed twenty (20) hours in professional ethics and boundary issues in addition to twenty (20) hours with 10 obtained in professional ethics.

Strike last paragraph. Said hours are in addition to continuing education hours imposed by the Findings and Fact Law and Order dated January 25, 2006.

A motion was made and seconded to adopt the Findings of Fact, Conclusions of Law and Order with amendments including the above changes:

**Board Action:** A motion was made and seconded to affirm the ALJ's recommendations from January 22, 2007, and issue a final order as amended to suspend the Respondent's license with the above terms and conditions.

COMPTON/HARNER Motion carried 5-0-0

#### B. State of Indiana v. Robert Cardwell

Administrative Cause No. 2006 BHSB 0022

Re: Administrative Law Judge Recommended Findings

On January 22, 2007, Kimble Richardson, Andrew Harner, and Beth Compton, acting as administrative law judge ("ALJ") held an administrative hearing concerning the Complaint issued by the State of Indiana against the Respondent for failure to comply with a continuing education audit.

The Respondent failed to reply to the Notice of Proposed Default issued on December 5, 2006. As a result, the ALJ recommended that the Respondent be held in Default and be subjected to the following discipline:

- 1. Indefinitely suspend the Respondent's license with the following requirement for reinstatement:
  - a. Show proof of 40 continuing education hours for the period of April 1, 2002 – March 31, 2004 or make up 40 hours of continuing education.
  - b. Show proof of 40 hours of continuing education for the renewal period of April 1, 2004 March 31, 2006 or make up all hours
  - c. Pay a \$1000 fine.

The Board reviewed the ALJ Recommendations and advised to amend the final order to read the proposed default order was sent certified and was received stamped "unclaimed".

**Board Action:** A motion was made and seconded to affirm the ALJ recommendations and suspend the Respondent's license with the above terms and conditions.

COMPTON/HARNER Motion carried 5-0-0

# C. Nancy Rene Kuntz v. State of Indiana

Administrative Cause No. 2006 BHSB 0029

Re: Administrative Law Judge Recommended Findings

On January 22, 2007, Kimble Richardson, Andrew Harner, and Beth Compton, acting as administrative law judge ("ALJ") held an administrative hearing concerning the appeal of the Board's denial of the Petitioner's application for a license to practice clinical social work in the State of Indiana.

Petitioner testified that she should be issued a license because the accommodations she received to take the necessary exam for licensure were inadequate. Petitioner testified that she did not believe that the exam accurately evaluated her professional expertise, because the accommodations provided were inadequate. She further testified that her reader's difficulties in reading the exam increased her anxiety level and made it difficult for her to complete the exam.

The ALJ recommended that the Petitioner's request be denied.

**Board Action:** A motion was made and seconded to affirm the ALJ recommendations and deny the Petitioner's application for licensure as a clinical social worker. It was also noted that the IPLA would contact the Association of Social Work Boards on her behalf concerning testing issues/concerns and provide accommodations recommended by the ASWB. If at all possible, the Board will request she be allowed to retake the examination free of charge.

COMPTON/GROVE Motion carried 5-0-0

#### V. ADMINISTRATIVE HEARINGS

# A. State of Indiana v. Frances Marie Haley

Administrative Cause No. 2006 BHSB 0007

Re: Complaint

# **Parties and Counsel Present:**

Laura Wilford, Counsel for the Petitioner

#### **Participating Board Members:**

Mr. Richardson (Hearing Officer)

Mr. Harner

Ms. Grove

Ms. Hallett

Ms. Compton

**Case Summary:** On April 4, 2006, counsel for the Petitioner, the State of Indiana, filed a Complaint against the Respondent for failing to comply with the continuing education audit for the period of April 1, 2002 – March 31, 2004.

Short 12.5 Category I and 6 Category II Upon next occasion she renews after date of Final Order she shall show proof of 40 hours of Continuing Education upon renewal.

Counsel for the State appeared before the Board and presented a settlement agreement with the following terms and conditions:

- 1. Pay within 100 days of the final order a fine in the amount of \$500 to the Indiana Professional Licensing Agency due to her meeting the continuing education requirement.
- 2. It was noted to the Board that IPLA had received her check in the amount of \$500 to fulfill her settlement agreement.

**Board Action:** A motion was made and seconded to accept the proposed settlement agreement.

HARNER/HALLETT Motion carried 5-0-0

# B. State of Indiana v. Larry L. Todd

Administrative Cause No. 2004 BHSB 0010

Re: Default Hearing

#### **Parties and Counsel Present:**

## **Participating Board Members:**

Mr. Richardson (Hearing Officer)

Mr. Harner

Ms. Grove

Ms. Hallett

Ms. Compton

**Case Summary:** An Order to Show Cause was filed by the board against Mr. Todd on October 30, 2006 for failing to comply with the terms of his probation. A final hearing was scheduled to be held on January 22, 2007 and Mr. Todd failed to appear in person or by counsel.

The Board issued a Notice of Proposed Default Order on January 26, 2007. No response regarding the Notice had been received from Mr. Todd. A letter of reprimand was issued. Noted that the Board had judicial review.

A motion was made and seconded to hold Mr. Todd in default.

HALLETT/HARNER Motion carried 0-0-0

The Board reviewed the file prior to issuing discipline on Mr. Todd's license.

**Board Action:** A motion was made and seconded to suspend Mr. Todd's license indefinitely for failure to comply with previous terms and conditions of his probation with no right to petition for reinstatement for a period of three (3) years. It was noted that the respondent has failed to maintain any contact with the Board or IPLA.

HALLETT/HARNER
Motion carried 5-0-0

# C. Jeanette M. Etnier v. State of Indiana

Administrative Cause No. 2006 BHSB 0030

Re: Default Hearing

#### **Parties and Counsel Present:**

## **Participating Board Members:**

Mr. Richardson (Hearing Officer)

Mr. Harner

Ms. Grove

Ms. Hallett

Ms. Compton

Case Summary: A Petition for Review of the Board's denial of the Petitioner's application for a license to practice mental health counseling in the State of Indiana was filed on December 27, 2006. A final hearing was scheduled to be held on January 22, 2007 and the Petitioner failed to appear in person or by counsel.

The Board issued a Notice of Proposed Default Order on January 26, 2007. No response regarding the Notice has been received from the Petitioner.

A motion was made and seconded to hold the Petitioner in default.

COMPTON/HARNER Motion carried 5-0-0

**Board Action:** After review and discussion, a motion was made and seconded to deny the Petitioner's petition for review for a license to practice as a mental health counselor based on failure of the examination. It was noted that she failed the examination twice, once on April 2, 2006 and on October 21, 2006. She neither presented additional evidence nor responded to the proposed default order.

A motion was made and seconded to deny her appeal of her Petition for Review.

COMPTON/GROVE Motion carried 5-0-0

#### VI. OLD/NEW BUSINESS

## A. Reinstatement of Retired Licenses

1. Linda Ann Planer, License #39000373A

The Board reviewed documentation from Ms. Planer, regarding her request to renew her retired license to practice mental health counseling. Ms. Planer's license had been retired since April 1, 2004. Ms. Planner submitted documentation of having completed 20 hours of CEUs within the previous 24 months, which is necessary for reinstatement of her retired license.

A motion was made and seconded to reinstate Linda Ann Planer's license to practice mental health counseling based on the completion of the twenty (20) CEUs for reinstatement of retirement.

HARNER/HALLETT Motion carried 5-0-0

#### B. Licensure Reinstatement for Licenses Expired for Three-Plus Years

#### Shannon Dawn Johnson, License # 33004577A

The Board reviewed documentation from Ms. Johnson, regarding her request to renew her expired license to practice social work. Ms. Johnson's license had been expired since April 1, 2002. Ms. Johnson submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Johnson submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to renew Ms. Johnson's license to practice social work.

HARNER/COMPTON Motion carried 5-0-0

## 2. Nancy Lynn Kitchens, License # 33002662A

The Board reviewed documentation from Ms. Kitchens, regarding her request to renew her expired license to practice social work. Ms. Kitchens' license had been expired since April 1, 2000. Ms. Kitchens submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Kitchens submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to request Ms. Kitchens' to appear before the Board for a personal appearance concerning her issues stated in her letter of explanation of why she let her license lapse.

HALLETT/HARNER Motion carried 5-0-0

#### 3. Stacy Lynn Garton, License # 33002224A

The Board reviewed documentation from Ms. Garton, regarding her request to renew her expired license to practice social work. Ms. Garton's license had been expired since April 1, 1996. Ms. Garton submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Garton submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to require Ms. Garton to take the ASWB examination based on time period of her license expiration.

HARNER/COMPTON Motion carried 5-0-0

## 4. Elizabeth Chandler Barnes, License # 33001569A

The Board reviewed documentation from Ms. Barnes, regarding her request to renew her expired license to practice social work. Ms. Barnes' license had been expired since April 1, 1998. Ms. Johnson submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Barnes submitted

a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to request Ms. Barnes to take the ASWB examination based on time period of her license expiration.

HALLETT/HARNER Motion carried 5-0-0

#### 5. Patricia B. Brutus, License # 33000629A

The Board reviewed documentation from Ms. Brutus, regarding her request to renew her expired license to practice social work. Ms. Brutus' license had been expired since April 1, 2002. Ms. Brutus submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Brutus submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to request Ms. Brutus' to take the ASWB examination based on time period of her license expiration.

HARNER/HALLETT Motion carried 5-0-0

#### 6. Carol Stacie Whitescarver, License #34004268A

The Board reviewed documentation from Ms. Whitescarver, regarding her request to renew her expired license to practice clinical social work. Ms. Whitescarver's license had been expired since April 1, 2002. Ms. Whitescarver submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Ms. Whitescarver submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to renew Ms. Whitescarver's license to practice as a clinical social worker.

COMPTON/HARNER Motion carried 5-0-0

# 7. Jerrold Jacobs, License #34001867A

The Board reviewed documentation from Mr. Jacobs, regarding his request to renew his expired license to practice clinical social work. Mr. Jacobs' license had been expired since April 1, 2002. Mr. Jacobs submitted documentation of having completed 40 hours of CEUs within the previous 24 months, which is necessary for the renewal of licenses expired for longer than three (3) years. Further, Mr. Jacobs submitted a letter detailing the reasons for failing to renew her license.

A motion was made and seconded to renew Mr. Jacobs' license to practice as a clinical social worker.

COMPTON/HARNER Motion carried 5-0-0

# C. Request for Continuing Education Waiver

#### 1. Nan E. Girk, License #34000048A, 35000609A

Ms. Girk submitted a letter to the Board requesting a waiver of the ethics requirement for the 2006 licensure year ending March 31, 2007. The Board reviewed her letter and discussed her request.

A motion was made and seconded to deny her request for a waiver of her ethics requirement for 2006.

HARNER/COMPTON Motion carried 5-0-0

# The Board considered forming committees for the following:

#### D. Supervision Forms - MUENKS

Ms. Muenks informed the Board of her concerns regarding the LCSW supervisor not being able to state whether the applicant was a good therapist. This discussion was tabled from the January 22, 2007 board meeting.

The Board assigned Ms. Muenks and Ms. Grove to serve on the Committee for Supervision Forms for possible discussion at the April 23, 2007 board meeting.

## E. E-Therapy Discussion

The Board assigned Ms. Compton and Mr. Richardson to serve on the Committee for E-Therapy for possible discussion at the April 23, 2007 board meeting.

The committees would like to meet with Board counsel concerning these issues.

#### F. Email discussion on Family Tree Counseling Associates

Written correspondence from a Consumer prompted the Board to review materials posted on Family Tree Counseling Associates website. The Board concluded that some concerns, including the posting of testimonials from clients, and offering an initial assessment at no charge, did not appear to violate state laws or rules. The website lists information about the therapists working in the practice. Some appear to be licensed and others do not. The website cites Mark E. Smith as the owner of the group. A concern was raised about whether Mr. Smith is allowing some colleagues to practice without a license. If said counselors are working toward licensure, this should be disclosed. The Board asked that IPLA check licenses for all individuals listed on the website and if some are found to be unlicensed, the matter should be referred to the Attorney General for investigation.

#### G. Response to Restricted Test Listing Response by Psychology Board

The Board took notice of the response to their letter to the Psychology Board regarding the Restricted Test List.

Board advisor, Donna Sembroski, announced that she will no longer be serving as board advisor for the Psychology Board.

She informed the Board of the current status regarding the Psychology Board concerning the Restricted Test List. The board is required to provide a

Restricted Test List which is stated in their rules and regulations.

As part of the rule promulgation process, the Psychology Board must prepare analyses of the rule's fiscal (impact on the State of Indiana), economic, (impact on individuals who are affected and who would be impacted by not being able to administer or take the test because of the rules and regulations) and small business impact (impact on small businesses). The Psychology Board position regarding the economic and small business impact is that the rule does not change current law and therefore has no financial impact.

The Psychology Board believes that Non-Psychologists are not qualified to administer the restricted test list and would consider this practicing without a license.

A Notice of Intent, which is the first step in the rulemaking process, has not yet been posted. After the Notice of Intent is published, the proposed rule will be published. Then a public rule hearing will be scheduled and any member of the public will be allowed to submit comments concerning the proposed rule.

## VII. CE SPONSOR APPLICATION REVIEW

A. A motion was made and seconded to approve the continuing education sponsor application of Family Service Society, Inc. pending receipt of their announcement sheet and evaluation sheet.

HALLETT/HARNER Motion carried 5-0-0

B. A motion was made and seconded to approve the continuing education sponsor application of Northern Light Christian Counseling.

HALLETT/HARNER Motion carried 5-0-0

C. A motion was made and seconded to approve the continuing education sponsor application of Elkhart General Home Care.

HALLETT/HARNER Motion carried 5-0-0

D. A motion was made and seconded to approve the continuing education sponsor application of Campagna Academy.

HALLETT/HARNER Motion carried 5-0-0.

E. A motion was made and seconded to approve the continuing education sponsor application of PlayJourney, Inc.

HALLETT/HARNER Motion carried 5-0-0

## VIII. FORMAL ADOPTION OF APPLICATION REVIEWS

A motion was made and seconded to approve the recommendations made by each section of the Board for the licensure application reviews conducted from 8:00 a.m. to 9:00 a.m., and at any other time since the previous board meeting.

RICHARDSON/GROVE Motion carried 0-0-0 A. The applications of the following individuals were approved for examination:

9) 10) 11) 12) 13) 14) 15) 16) 17) 18) 20) 21) 22) 23) 24) 25) 26) 27) 28) 29) 30) 31)	Corbin, James Sowers, Steven Turk, Rachel Britton, Karen Chen, Steven Vessels, Deborah Aker, Erma Dixon, Jamie Harris-Eze, Florence Highhouse, Adrienne Perkins, Mindy Covington, Elizabeth Holderread, Stephanie Smith-Call, Nancy Van Scoyk, Lori Watkins, Iris Brown, Tamara Carlisle, Donetta Crane, Karen Detterich, Lacy Giordano, Jennifer Jordan, Cathy Hollowell, Teresa Rodgers, Carla Connor, Derron Clardy, Deborah Joule, Maria Baker, Tanya Dust, Christina Hindenburg, Kristi Jameyfield, Lisa Lewis Janice	(LMHC) (LMHC) (LMHC) (LSW) (LSW) (LSW) (LCSW) (LMHC)
30) 31) 32) 33)	Hindenburg, Kristi	(LMFT)
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B. More information was requested from the following applicants before final action can be taken on applications for licensure via examination:

1)	Abrams, Angela	(LMHC)
2)	Bhavsar, Bhumi	(LMHC)
3)	Boyd, Jamie	(LMHC)
4)	Knoll, Samantha	(LMHC)
5)	McComas, Sandra	(LMHC)
6)	Poole, Amy	(LMHC)
7)	Dwyer, Pamela	(LMHC)
8)	Hogue, Thakena	(LMHC)

C. The applications of the following individuals were approved for licensure via endorsement:

1)	Matuszak, Eiken	(LSW)
2)	Gasior, Tamara	(LSW)
3)	Sims-Rucker, Valerie	(LSW)
4)	Bowman, Amy	(LCSW)
5)	Daniel, Kathleen	(LCSW)
6)	Jellison, Jackie	(LCSW)

7)	Maddex, Stephanie	(LCSW)
8)	Carnegie, Patricia	(LCSW)
9)	Cohn, Marcy	(LCSW)
10)	Curtis, Dorothy	(LCSW)
11)	Dribble, Madelon	(LCSW)
12)	Roppel, Cory	(LCSW)
13)	Stuck, Mandi	(LCSW)

D. The applications of the following individuals were denied for licensure via Endorsement:

1) Buckingham, John (LSW)

HALLETT/HARNER Motion carried 5-0-0

# IX. ADJOURNMENT

A motion was made and seconded to adjourn the meeting at 12:30 P.M.

GROVE/HARNER Motion carried 5-0-0

There being no further business and having completed its duties, the meeting of the Social Worker, Marriage and Family Therapist and Mental Health Counselor Board adjourned at 12:30 p.m.

Kimble Richardson, L.M.H.C, L.C.S.W., L.M.F.T – President Social Worker, Marriage and Family Therapist and Mental Health Counselor Board